LAWS

OF THE

STATE OF MONTANA

ENACTED BY THE

Forty-Seventh Legislature

In Second

Special Session

Held at Helena, the Seat of Government
June 21, 1982 through June 26, 1982

Compiled by

MONTANA LEGISLATIVE COUNCIL

Room 138
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SESSION LAWS

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EXPLANATORY NOTE:

Section 5-11-205, MCA, provides that new parts of existing statutes be printed in italics.

CITATION:

These Session Laws may be cited as in the following example: "Sec. 2, Ch. 6, Sp.L. 1982."

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SESSION LAWS

CHAPTER NO. 1

AN ACT TO AUTHORIZE THE WARDEN OF THE MONTANA STATE PRISON TO GRANT A TEMPORARY FURLOUGH TO A PRISONER WHO HAS BEEN APPROVED FOR PAROLE ON CONDITIONS THAT ARE DIFFICULT TO FULFILL WHILE INCARCERATED; AMENDING SECTION 46-23-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-23-215, MCA, is amended to read:

"**46-23-215. Conditions of parole.** (1) Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be subject to the orders of the board.

(2) When an order for parole is issued, it shall recite the conditions thereof.

(3) Whenever a prisoner in the Montana state prison has been approved for parole on condition that he obtain employment or secure suitable living arrangements or on any other condition that is difficult to fulfill while incarcerated, the warden may grant him a furlough, not to exceed 10 days, for purposes of fulfilling the condition. While on such furlough, the prisoner remains in the legal custody of the prison and is subject to all other conditions recited by the board."

Section 2. **Effective date.** This act is effective on passage and approval.

Approved June 29, 1982.

CHAPTER NO. 2

AN ACT CREATING A FACTFINDING TASK FORCE TO PREPARE RECOMMENDATIONS AND A PLAN OF ACTION TO DEAL WITH MONTANA'S CORRECTIONAL PROBLEMS FOR THE CONSIDERATION OF THE 48TH LEGISLATURE; PROVIDING FOR STAFFING AND USE OF CONSULTANTS BY THE TASK FORCE; APPROPRIATING FUNDS FOR THE TASK FORCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, the Governor has convened the Legislature to consider the conditions and problems existing at the Montana State Prison and within the state's adult correctional programs generally; and

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WHEREAS, the Governor has appointed an independent Prison Alternatives Task Force to prepare recommendations on alternative correctional programs for Montana, and the task force has yet to complete its work; and

WHEREAS, the Legislature hears the demands of the people of Montana for swift and sure punishment of convicted criminals in a manner insuring the safety and protection of the people of Montana; and

WHEREAS, the Legislature also recognizes its responsibility to provide opportunities for the rehabilitation, reformation, and training of inmates in order to reduce recidivism and produce productive members of society; and

WHEREAS, the Legislature supports the following concepts:

(1) secure incarceration for dangerous offenders;

(2) actual work experience and vocational and on-the-job training for inmates, which instill in them the work ethic and which better utilize facilities such as the prison ranch;

(3) educational opportunities for inmates desiring to avail themselves of such opportunities;

(4) alcohol and drug abuse counseling for inmates; and

(5) cooperation between agencies of state government and the university system for the utilization of staff and services that may be beneficial for the inmates of the prison and society in general;

(6) adequate training programs for the prison staff; and

WHEREAS, the people of Montana have had only limited opportunity to be heard in a structured and productive hearing process for purposes of expressing their concerns and expectations for Montana's correctional system.

THEREFORE, it is the intent of this act that a factfinding task force of the Legislature be created to develop a plan of action on corrections for presentation to the 48th Legislature.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Factfinding task force on corrections — establishment — organization.** (1) There is established an 8-member factfinding task force on corrections.

(2) The task force shall be appointed in the following manner:

(a) The speaker of the house, after consultation with the house majority and minority leaders, shall appoint four members to serve on the task force. No more than two house members of the task force may be from the same party.

(b) The committee on committees of the senate shall appoint four members to serve on the task force. No more than two senate members of the task force may be from the same party.

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(3) Task force members shall elect a chairman and vice-chairman.

(4) Task force members are entitled to compensation and expenses as provided in 5-2-302.

Section 2. **Task force function.** (1) The task force on corrections shall develop a plan of action and recommend policies for consideration by the 48th legislature in order that a comprehensive and coherent correctional policy may be developed for Montana.

(2) In formulating its plan of action and in preparing its recommendations, the task force shall:

(a) solicit wide public participation and hold public hearings on correctional issues;

(b) review the proposals and considerations of past legislative and administration planning and study groups in order to resolve inconsistencies and establish areas of agreement;

(c) utilize outside agencies, individuals, and consultants as the task force considers necessary;

(d) obtain independent cost estimates for any alternative capital projects the task force may recommend;

(e) direct the legislative council to contract, within existing appropriations, with an independent consultant to prepare an estimate for submission to the 48th legislature of the costs of renovating the old territorial Montana state prison in downtown Deer Lodge, Montana; and

(f) in addressing prison physical plant additions, give primary consideration to providing for the segregation of prisoners based upon prisoner attitudes and work assignments to reduce the effects of prejudice against prisoners intent on reformation by hard-core prisoners.

(3) In its review the committee shall:

(a) explore the conditions and problems existing at Montana state prison and within the state's adult corrections programs and the resolution thereof;

(b) suggest appropriation levels for state agencies and programs necessary to alleviate and adequately address the problems and conditions existing in Montana state prison and within the state's adult corrections program; and

(c) monitor the implementation and results of the actions taken by the second special session, including the prison vocational industries program established in [Senate Bill 1].

Section 3. **Use of consultants.** The legislative council, upon request from the task force, shall retain such consultants as required by the task force.

Section 4. **Task force staff.** The legislative council, legislative fiscal analyst, and legislative auditor may provide staffing and assistance to the task force as the task force requires. The legislative council shall assist the

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task force in preparing its reports and recommendations as provided in Title 5.

Section 5. **Appropriation.** There is appropriated $35,000 from the general fund to the legislative council for the purposes of assisting the factfinding task force on corrections as provided in sections 3 and 4.

Section 6. **Effective date — termination.** This act is effective on passage and approval and terminates March 1, 1983.

Approved July 6, 1982.

CHAPTER NO. 3

AN ACT TO ESTABLISH AN INDUSTRIES TRAINING PROGRAM AT THE MONTANA STATE PRISON THAT PROVIDES VOCATIONAL ON-THE-JOB TRAINING AND WORK EXPERIENCE FOR PRISON INMATES; LIMITING THE PROGRAM TO PROVIDING SERVICES AND PRODUCING PERSONAL PROPERTY FOR STATE AGENCIES, LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND OTHER GOVERNMENTAL ENTITIES; APPROPRIATING FUNDING FOR THE ESTABLISHMENT OF THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, it is in the best interest of the state and also in the best interest of inmates incarcerated at the Montana state prison to establish a training and work experience program at the prison; and

WHEREAS, such a program benefits the state by providing inmates with viable skills so that upon release they may become responsible members of society; and

WHEREAS, such a program benefits inmates at the prison by providing an alternative to idle time in prison; the opportunity for training and work experience can provide some measure of meaning and self-worth while incarcerated, while at the same time preparing inmates with skills with which they can support themselves and their families upon release; and

WHEREAS, there is presently an institutional industry program in operation at the prison that is a self-supporting program engaged in license plate manufacture and some agricultural production and personal property refurbishment;

THEREFORE, the institutional industry's small scope and limited goals should be supplemented with a true industries training program capable of inmate reformation that will produce former inmates who upon release are trained, productive and responsible members of society.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Prison industries training program.** (1) In addition to any institutional industry operated at the Montana state prison under Title 53, chapter 1, part 3, the department of institutions shall conduct a prison industries training program.

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(2) The purpose of the prison industries training program is to:

(a) provide innovative and progressive inmate reformation and rehabilitation possibilities by exposing inmates to worthwhile training;

(b) prepare inmates for release by providing industries at the prison that utilize their skills, thus providing experience beyond mere training, inculcating inmates with good production and work habits, and providing them with a means to earn money that will be available to them upon release.

(3) The prison industries training program consists of vocational training, on-the-job training, and production experience. The department may contract with public and private vocational education entities to provide this training.

(4) The program may provide training and experience involving cultivation, production, repair, construction, refurbishment, service, and related processes involving personal property, including but not limited to such items as crops, livestock, furniture, office and electrical equipment, and motor vehicles. Such products and services, with the exception of livestock and agricultural products produced from the Montana state prison ranch, may be provided only to state agencies, local government units, school districts, authorities, and other governmental entities.

(5) (a) The prison industries training program need not be a self-supporting program. The department of institutions may enter into contracts and establish prices for products or services produced by this program. Within budgetary restrictions, the department shall establish prices that tend to maximize the amount of work available for inmates. All revenue raised through the program may be used only for the program.

(b) State agencies, local governments, school districts, authorities, and other local government entities are encouraged to explore the possibilities of using the prison industries training program. State agencies shall cooperate with the department of institutions in notifying governmental entities within the state of the program and of the services and products that are available.

(6) (a) An inmate participating in the prison industries training program may be granted a good time allowance, not to exceed 15 days per month, notwithstanding the limits contained in 53-30-105, for outstanding participation in the program as defined by rules adopted by the department of institutions. Such good time allowance has the same effect as a good time allowance granted under 53-30-105, and the provisions of subsections (2) and (3) of 53-30-105 apply to such good time allowance. Provided, however, no inmate may receive good time for participation in this program under any other section or rule which would duplicate the good time authorized herein.

(b) While engaged in on-the-job training and production, inmates may be paid a wage commensurate with their production function. Such wages shall be established at a rate that encourages efficient production and effective levels of inmate participation.

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(c) Inmates working in the prison industries training program are not employees, either public or private, and employment rights accorded other classes of workers do not apply to such inmates.

(d) Able-bodied persons committed to the Montana state prison as adult offenders shall be required to perform work as provided for by the department of institutions.

(7) (a) The department of institutions shall adopt rules implementing this program and shall report to the legislature its continuing plans and recommendations in implementing this program. Any price lists established by the department are exempt from the provisions of Title 2, chapter 4 (the Montana Administrative Procedure Act), but the department may, if it considers it an effective method of dissemination, publish such price lists in the Montana Administrative Register or the Administrative Rules of Montana, or both.

(b) The department of institutions is subject to program audits of the prison industries training program by the legislative auditor.

Section 2. **Appropriation.** There is appropriated from the general fund to the department of institutions $26,325 to establish the prison industries training program.

Section 3. **Immediate effective date.** This act is effective on passage and approval.

Approved July 14, 1982.

CHAPTER NO. 4

AN ACT TO SPECIFICALLY AUTHORIZE THE DEPARTMENT OF INSTITUTIONS TO MAINTAIN EXISTING COMMUNITY BASED PRERELEASE CENTERS AND TO CONTRACT WITH PRIVATE NONPROFIT MONTANA CORPORATIONS TO ESTABLISH AND MAINTAIN COMMUNITY BASED PRERELEASE CENTERS; AMENDING SECTION 53-1-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-1-203, MCA, is amended to read:

"53-1-203. Powers and duties of department. The department shall:

(1) adopt rules for the admission, custody, transfer, and release of residents of institutions except as otherwise provided by law; however, no such rules may amend or alter the statutory powers and duties of the state board of pardons;

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(2) subject to the functions of the department of administration, lease or purchase lands for use by institutions and classify those lands to determine which are of such character as to be most profitably used for agricultural purposes, taking into consideration the needs of all institutions for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in the institutions;

(3) contract with private nonprofit Montana corporations to establish and maintain community based prerelease centers for purposes of preparing inmates of the Montana state prison who are approaching parole eligibility or discharge for release into the community; the centers shall provide a less restrictive environment than the prison while maintaining adequate security; the centers shall be operated in coordination with other department correctional programs, including the supervised release program provided for in Title 46, chapter 23, part 4. Nothing in this subsection shall affect the department's authority to operate and maintain community based prerelease centers in existence on the effective date of this act.

(4) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(5) propose programs to the legislature to meet the projected long-range needs of institutions, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions; and

(6) encourage the establishment of programs at the local level for the prevention and rehabilitation of physical and mental disability."

Section 2. **Effective date.** This act is effective on passage and approval.

Approved July 14, 1982.

CHAPTER NO. 5

AN ACT DIRECTING THE LEGISLATIVE COUNCIL TO CONTRACT, WITHIN EXISTING APPROPRIATIONS, WITH AN INDEPENDENT CONSULTANT TO PREPARE AN ESTIMATE OF THE COSTS OF RENOVATING THE OLD MONTANA STATE PRISON; REQUIRING THE COUNCIL TO SUBMIT THE REPORT TO THE 48TH LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Capital repairs to old prison — cost estimate.** (1) The legislative council shall, within existing appropriations, contract with an independent consultant to prepare a report estimating the costs of capital repairs necessary to enable the old Montana state prison, built in 1870, to be used for incarcerating maximum security inmates.

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(2) The report must be prepared by December 1, 1982, and the legislative council shall submit the report to the 48th legislature.

Section 2. **Effective date.** This act is effective on passage and approval.

Approved July 14, 1982.

CHAPTER NO. 6

AN ACT AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO HOUSE MINIMUM SECURITY AGRICULTURALLY EMPLOYED PRISONERS OUTSIDE THE CONFINES OF THE PRISON FENCE; ESTABLISHING AN EXEMPTION TO ALLOW FOR TIMELY CONSTRUCTION AND A SOLE SOURCE PURCHASE; PROVIDING PUNISHMENT FOR ESCAPE FROM SUCH CONFINEMENT; APPROPRIATING FUNDS FOR ESTABLISHING HOUSING FOR SUCH INMATES; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Extension of limits of confinement.** (1) The department of institutions may extend the limits of confinement of the Montana state prison for purposes of housing outside the prison fence inmates who:

(a) are employed in ranch or agricultural industry programs; and

(b) have demonstrated sufficient reliability and trustworthiness.

(2) Housing units outside the confines of the prison fence may be created by renovation of existing buildings or by the erection of modular-type units and associated facilities on the prison ranch.

Section 2. **Exemptions to facilitate timely construction — sole source purchase allowed.** For the purpose of expediting the acquisition and construction of housing units authorized in [section 1] the department of administration may exempt the project from provisions of Montana law relating to the employment of architects, advertising, labor, and wages. The department of administration need not comply with any state bidding requirements that would preclude a sole source purchase.

Section 3. **Escape from extended confinement.** Purposeful or knowing failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by prison officials to the place of confinement designated by the department is an escape punishable as provided in 45-7-306.

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Section 4. **Appropriation.** There is appropriated from the general fund to the department of institutions $130,000 for the establishment of housing outside the confines of the prison fence.

Section 5. **Effective date.** This act is effective on passage and approval.

Approved July 14, 1982.

CHAPTER NO. 7

AN ACT PROVIDING FOR THE USE OF INMATE LABOR IN THE MAINTENANCE AND REPAIR OF THE STATE PRISON; PROVIDING THAT SUCH INMATES ARE NOT EMPLOYEES FOR PURPOSES OF EMPLOYEE RIGHTS; PREVENTING FUTURE PUBLIC EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS FROM PROHIBITING SUCH USE OF INMATE LABOR; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Prison maintenance by inmates.** An inmate of the Montana state prison may be required to:

(1) keep his own living quarters clean and orderly;

(2) perform general maintenance and repair work on prison grounds and facilities and assist in providing services essential to the administration of the prison, including but not limited to food and laundry services.

Section 2. **Inmates not to be employees.** An inmate working pursuant to [section 1] is not an employee, either public or private, and employment rights accorded other classes of workers do not apply to such inmates.

Section 3. **Nonnegotiable items for state prison.** Collective bargaining agreements entered after [the effective date of this act] may not contain provisions prohibiting or restricting the use of inmate labor as provided for in [section 1].

Section 4. **Applicability.** Section 3 of this act is not intended to impair any existing collective bargaining agreement and is applicable only to those collective bargaining agreements entered after the effective date of this act. Inmate labor restricted by a collective bargaining agreement subject to 53-1-301(7), MCA, shall continue until such agreement expires.

Section 5. **Codification instruction.** Section 3 is intended to be codified as an integral part of Title 39, chapter 31, part 3, and the provisions of Title 39, chapter 31, part 3, apply to section 3.

Section 6. **Severability.** If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this

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act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. **Effective date.** This act is effective on passage and approval.

Approved July 14, 1982.

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APPROPRIATIONS

ENACTED BY THE

Forty-seventh Legislature

IN SECOND SPECIAL

SESSION

STATE OF MONTANA

1982

HOUSE BILL NO. 1

AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE SPECIAL SESSION OF THE FORTY-SEVENTH LEGISLATURE CONVENING ON JUNE 21, 1982; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Appropriation.** (1) The following amounts are appropriated from the general fund for fiscal years 1982 and 1983 for the operation of the special session of the 47th legislature convening on June 21, 1982:

House of Representatives	$123,000
Senate	75,000
Legislative Council	35,000

(2) Each legislator is entitled to reimbursement for expenses pursuant to section 5-2-301(2), MCA, beginning on the day immediately preceding his first day of attendance (including attendance at the presession corrections system briefing on June 19, 1982, or the tour of the Montana state

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prison on June 20, 1982, or both) and salary pursuant to section 5-2-301(1), MCA, beginning on such first day of attendance.

Section 2. **Effective date.** This act is effective on passage and approval.

Approved June 24, 1982

HOUSE BILL NO. 2

AN ACT TO APPROPRIATE MONEY TO THE DEPARTMENT OF INSTITUTIONS FOR INCREASED CORRECTIONS COSTS FOR FISCAL YEAR 1983; CLARIFYING THE USE OF PAY PLAN FUNDS AND THEREBY PROVIDING A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 1982; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Definitions.** For the purposes of this act, unless otherwise stated, the following definitions apply:

(1) "Department" means the department of institutions.

(2) "Director" means the director of the department of institutions.

Section 2. **Expenditure limit.** Expenditures may not exceed appropriations.

Section 3. **Access to records.** No funds appropriated by this act may be expended for any contract, written or oral, with a nonstate entity for services to be provided by the nonstate entity to members of the public on behalf of the state unless the contract contains a provision allowing access to such records of the nonstate entity as may be necessary for legislative audit and analysis purposes in determining compliance with the terms of the contract. Each such contract may be unilaterally terminated by the state, and each contract shall provide for unilateral termination by the state upon refusal of the nonstate entity to allow access to records necessary to carry out the legislative audit and analysis functions set out in Title 5, chapters 12 and 13.

Section 4. **Severability.** If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. **Other funds to offset general fund.** The approving authority shall decrease the general fund appropriation of the agency by the amount of funds received from other sources in excess of any nongeneral fund appropriation unless such action is expressly contrary to state or federal law, rule, or contract or the approving authority certifies that the services to be funded by the additional funds are significantly different from those for which the agency has received an appropriation.

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Section 6. **Totals not appropriations.** The totals shown in this act are for informational purposes only and are not appropriations.

Section 7. **Appropriations.** The following money is appropriated from the general fund for the purposes shown for the stated fiscal year:

	Fiscal Year 1982	Fiscal Year 1983
MONTANA STATE PRISON		
1. General Operations	$103,000	$879,376
2. Utilities Expense — Supplement		11,880
3. Disturbance Control		43,066
TOTAL MONTANA STATE PRISON	$103,000	$934,322

Personal services for Montana state prison may not exceed the total of the $5,076,689 level identified in HB 2, first special session of the 47th legislature, plus the pay plan, and the additional $806,549 appropriated in Item 1 for personal services in fiscal year 1983. Personal services and utilities for Montana state prison may exceed the amount restricted in H.B. 2, Laws of 1981, first special session, for fiscal year 1982.

If utility expenditures exceed $279,646, the institution may ask for a supplemental appropriation. If utilities do not exceed $279,646, the difference shall revert to the general fund. This is an $11,880 supplement to the $267,766 amount for utilities which was in HB 2 of the first special session of the 47th legislature.

Included in the appropriations to the Montana state prison in House Bill 500 of the 1981 Legislature and this act is $493,641 for medical expenses for fiscal year 1983. If medical expenses are less, funds shall revert to the general fund.

CENTRAL OFFICE — DEPARTMENT OF INSTITUTIONS	
Corrections Division	
1. Alpha House — Supplement	$66,092
2. Missoula Life Skills — Supplement	102,465
3. Prerelease Centers	500,819
TOTAL CENTRAL OFFICE — DEPARTMENT OF INSTITUTIONS	$669,376

Item 3 contains money for the establishment of two community prerelease centers. One of the 20-25 bed centers will open September 1, 1982, with the second opening January 1, 1983. The department shall receive applications for placement of the centers and after public hearing, select the appropriate placement and location of the programs. If delays occur in opening the prerelease centers, the director may utilize this appropriation to maintain inmates at the state prison. The director shall notify the legislative finance committee and the office of budget and program planning prior to the transfer of these funds.

BOARD OF PARDONS	
1. General Operations	$14,561

Section 8. **Industries reappropriation.** The unexpended balance of the fiscal year 1982 general fund appropriation made to the prison industries program in HB 2, first special session of the 47th legislature, is reappropriated in fiscal year 1983.

Section 9. **Effective date.** This act is effective June 25, 1982.

Approved July 15, 1982, except for the item vetoed which is set forth in the veto message filed this date with the Secretary of State.

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HOUSE BILL NO. 5

AN ACT TO APPROPRIATE MONEY FOR PRISON SECURITY IMPROVEMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1983; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Definitions.** For the purposes of this act, unless otherwise stated, the following definitions apply:

(1) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in this act.

(2) "BPICA" means account number 06142 in the bond proceeds and insurance clearance fund; "FPRA" means federal and private revenue account; "ERA" means earmarked revenue account; and "other appropriated funds" means money other than general fund or BPICA money that accrues under provisions of law to an agency indicated herein.

(3) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

Section 2. **Expansion required to be authorized.** No existing capital project may be expanded beyond the scope of the project as approved by the 47th legislature unless the capital project expansion is authorized by an approved budget amendment.

Section 3. **Severability.** If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. **Total not appropriation.** The total shown in this act is for informational purposes only and is not an appropriation.

Section 5. **General fund appropriation.** There is appropriated from the general fund to account number 06142 in the bond proceeds and insurance clearance fund $397,100 to be used to support the project provided below.

Section 6. **Prison security construction appropriation.** The following money is appropriated from the bond proceeds and insurance clearance fund to the director of the department of administration:

MONTANA STATE PRISON

Security Improvements to Close I and II	$ 67,700
Renovation in Administration Building	88,000
Dual Electronic Systems at Fence	197,000
Lighting	24,850

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Chain Link Fence	2,870
Metal Detectors (3)	16,680
TOTAL MONTANA STATE PRISON	$397,100

Section 7. **Effective date.** This act is effective on passage and approval.

Approved July 14, 1982

HOUSE BILL NO. 8

AN ACT TO APPROPRIATE MONEY FOR PRISON KITCHEN AND WATER SYSTEM CAPITAL IMPROVEMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1983; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Definitions.** For the purposes of this act, unless otherwise stated, the following definitions apply:

(1) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in this act.

(2) "BPICA" means account number 06142 in the bond proceeds and insurance clearance fund; "FPRA" means federal and private revenue account; "ERA" means earmarked revenue account; and "other appropriated funds" means money other than general fund or BPICA money that accrues under provisions of law to an agency indicated herein.

(3) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

Section 2. **Expansion required to be authorized.** No existing capital project may be expanded beyond the scope of the project as approved by the 47th legislature unless the capital project expansion is authorized by an approved budget amendment.

Section 3. **Severability.** If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. **General fund appropriation.** There is appropriated from the general fund to account number 06142 in the bond proceeds and insurance clearance fund $605,000 to be used to support the project provided for in section 5.

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Section 5. **Construction and improvement appropriation.** The following money is appropriated from the bond proceeds and insurance clearance fund to the director of the department of administration:

DEPARTMENT OF INSTITUTIONS

Kitchen Expansion — Montana State Prison	$205,000
Water System Upgrade — Montana State Prison	400,000

Section 6. **Effective date.** This act is effective on passage and approval.

Approved July 14, 1982

HOUSE BILL NO. 18

AN ACT TO AMEND HOUSE BILL NO. 500, LAWS OF 1981, AS AMENDED BY HOUSE BILL NO. 2, LAWS OF 1981, FIRST SPECIAL SESSION, FOR FISCAL YEAR 1983 TO INCREASE THE APPROPRIATION TO THE DEPARTMENT OF INSTITUTIONS FOR THE PURPOSE OF ADDING REMEDIAL TEACHING STAFF TO THE ACADEMIC PROGRAM AT MONTANA STATE PRISON; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Appropriation.** Section 19, Division D, department of institutions, Montana state prison, Item 1, general operations, House Bill No. 500, Laws of 1981, as amended by House Bill No. 2, Laws of 1981, First Special Session, is amended to increase to $7,100,174 from $7,035,842 the appropriation from the general fund for fiscal year 1983.

Section 2. **Purpose.** This increase in appropriation is intended to provide $64,332 to add remedial staff and instructional materials to the academic program at Montana state prison.

Section 3. **Effective date.** This act is effective July 1, 1982.

Approved July 14, 1982

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RESOLUTION

ENACTED BY THE

Forty-seventh Legislature

IN SECOND SPECIAL

SESSION

STATE OF MONTANA

1982

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HOUSE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE DEPARTMENT OF INSTITUTIONS WITH THE DEPARTMENT OF ADMINISTRATION TO CAREFULLY REVIEW THE EMPLOYMENT CLASSIFICATIONS, POSITIONS, AND GRADES OF CORRECTIONS PERSONNEL AT THE MONTANA STATE PRISON TO ESTABLISH EQUITY AMONG POSITIONS, TO ENHANCE CAREER OPPORTUNITIES, AND TO FURTHER THE RECRUITMENT AND RETENTION OF SUPERIOR PERSONNEL.

WHEREAS, the circumstances at the Montana State Prison must be considered overall in light of the prison's goals and objectives; and

WHEREAS, one of the components of the prison which could be upgraded in a relatively inexpensive manner and which would produce results out of proportion to its cost is insuring the commitment of corrections personnel to the goals and objectives of the prison; and

WHEREAS, motivated correctional personnel are a vital component in prison improvement because such people are in day-to-day contact with prisoners, the prison administration, and the physical plant; and

WHEREAS, the recruitment and retention of superior individuals as correctional personnel cannot help but be cost effective in long-term prison operations and helpful in inmate reformation; and

WHEREAS, inadequate or inequitable situations of pay grades for various corrections positions increase corrections personnel dissatisfaction with employment conditions, thus unduly reducing their commitment to proper job performance; and

WHEREAS, the Department of Administration establishes pay grades for various positions in state government employment based in part on studies and recommendations of the employing department.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Department of Institutions, with the assistance of the Department of Administration, is urged to carefully review the positions, classifications, and grades of correctional personnel at the Montana State Prison to the end that the pay grades of such positions are equitably established to:

(a) encourage the recruitment, motivation, and retention of personnel; and

(b) establish an orderly career path for corrections personnel by providing for rational grade increases commensurate with ability and experience.

(2) That copies of this resolution be sent to the Director, Department of Institutions, and to the Director, Department of Administration.

Approved June 30, 1982.

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